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| APPLICATION NO.           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|-----------------------|------------------|
| 10/695,011                | 10/28/2003  | Vaughn L. Bauer      | 2-5751-001            | 4258             |
| 803                       | 7590        | 05/15/2007           | EXAMINER              |                  |
| STURM & FIX LLP           |             |                      | MCGOWAN, JAMIE LOUISE |                  |
| 206 SIXTH AVENUE          |             |                      |                       |                  |
| SUITE 1213                |             |                      |                       |                  |
| DES MOINES, IA 50309-4076 |             |                      |                       |                  |
|                           |             |                      | ART UNIT              | PAPER NUMBER     |
|                           |             |                      | 3671                  |                  |
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|                           |             |                      | 05/15/2007            | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/695,011 | <b>Applicant(s)</b><br>BAUER, VAUGHN L. |  |
|                              | <b>Examiner</b><br>Jamie L. McGowan  | <b>Art Unit</b><br>3671                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/12/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Friesen et al. (5,113,956).

Regarding claims 11, 19, 25 and 26, Friesen et al. discloses an implement toolbar that is forwardly folding comprising:

- A tongue having a forward end and a rearward end, the tongue having an extended length (Figure 2) and a contracted length (Figure 1), the extended length being longer than the contracted length
- A center section (66) attached to the tongue (14,16,18, 20, 22) at a substantially right angle
- Innerwing sections (76) operatively pivotally attached at inner ends of the inner wing sections to each end of the center section
- Outer wing sections (68,70), operatively pivotally attached at inner ends of the outer wing sections to an outer end of each inner wing section, the outer wing sections having outer ends wherein a distance between one of the outer ends of the outer wing sections (68,70) and an associated inner end of one of the inner wing sections is greater than a distance between one of the inner ends of the outer wing sections and the associated inner end of one of the inner wing sections
- Folding means (95,95') operatively attached to the tongue for rotating the inner wing sections (76) at pivot points (92) located on the center section to bring outer ends of the wing sections toward the forward end of the tongue until the wing sections lie substantially parallel to the tongue and the outer ends of the outer

Art Unit: 3671

wing sections are disposed forward of the inner ends of the outer wing sections (Figure 2)

- A forward end of the tongue is disposed in front of the inner and outer wing sections so that such forward end of the tongue can be adapted to be attached to the rear of a tractor.

Regarding claims 1 and 24, the apparatus of claims 11 and 25 disclose the methods.

Regarding claims 2 and 12, Friesen et al. discloses that there are ground engaging wheels supporting the center section (Figure 1).

Regarding claims 3 and 13, the combination discloses supporting pivot points between the wing sections with ground engaging wheels. The wheels near the center section support pivot point 92 and the wheels on the end of the outer wings along with the wheels on the center section support the pivot points between the inner wings and the outer wings (Figure 1).

Regarding claims 4 and 14, the outer wheels support the ends of the outer sections (figure 1).

Regarding claims 5, 6, 15 and 16, actuators (118) are provided for raising the pivot points (78) relative to the ground engaging wheels, upon folding, and additionally comprising raising the pivot points and the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections (column 5 lines 22-26).

Regarding claims 7-10, 17 and 18, Friesen et al. discloses that the wing sections are then lowered back down for engagement of a latch (94 and 44) once the wing sections are parallel to the tongue (column 5 lines 47-51).

Art Unit: 3671

Regarding claim 20, the toolbar is forwardly folding (Figure 2).

Regarding claim 21, the forward end of the tongue is adapted to be attached to a rear end of a prime mover (column 3 lines 34-36).

Regarding claim 22, there is a hitch (36) disposed on a forward end of the tongue, said hitch being adapted to be attached to a rear end of a prime mover (column 3 lines 34-36).

Regarding claim 23, the Friesen et al. includes the method step of attaching a forward end of the tongue to a tractor for towing the implement forwardly (column 3 lines 34-36).

Regarding claim 27, the more than three wing sections comprise at least four wing sections (two on the left and two on the right).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

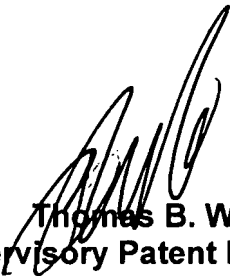
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie L. McGowan whose telephone number is (571)272-5064. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:00 PM EST.

Art Unit: 3671

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571)272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamie L. McGowan  
May 10, 2007



Thomas B. Will  
Supervisory Patent Examiner  
Group 3600